

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	ORDER DENYING MOTION FOR RELEASE
)	
vs.)	
)	
Walter William Cartwright, III,)	Case No. 1:22-cr-081
)	
Defendant.)	

On December 21, 2023, Defendant filed a Motion to Dismiss. (Doc. No. 106). He subsequently executed a plea agreement. (Doc. No. 123). On January 4, 2024, he pled guilty to one count of possession of firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1). (Doc. No. 129). However, he reserved his right to have the Motion to Dismiss decided prior to sentencing. (Id.). The Court deferred acceptance of his guilty plea. (Id.).

On January 8, 2024, Defendant filed a second Motion to Dismiss. (Doc. No. 136). On January 16, 2024, he filed a Motion for Release from Custody in which he requested to be released to Seeds of Eden, a sober living facility in Washburn, North Dakota. (Doc. No. 139).

On January 18, 2024, the undersigned issued an order granting Defendant's Motion for Release from Custody and conditionally releasing Defendant to Seeds of Eden. (Doc. No. 142).

On February 5, 2024, Defendant was terminated from Seeds of Eden and surrendered to the United States Marshal. (Doc. No. 144). That same day the undersigned issued an order detaining Defendant pending further order. (Id.).

On February 28, 2024, the Court issued an order denying Defendant's Motions to Dismiss and accepting Defendant's guilty plea. (Doc. No. 146). It has scheduled Defendant's sentencing for April 4, 2024. (Doc. No. 125).

On March 21, 2024, Defendant filed a second Motion for Release from Custody. (Doc. No. 151). He requests to be released to North Dakota Adult and Teen Challenge's ("Teen Challenge") facility in Mandan, North Dakota, on either March 25, 2024, or immediately following his sentencing hearing on April 4, 2024.

On March 21, 2024, the United States filed a response in opposition to Defendant's second Motion to Release from Custody. (Doc. No. 155). It stresses that the Court will determine in less than two weeks whether a sentence of imprisonment for Defendant is appropriate advises that it will be recommending that Defendant be sentenced to a term of imprisonment. It also advises that it will be recommending that Defendant be sentenced to a term of imprisonment. Finally, it asserts that Defendant's extensive criminal history and demonstrated inability to abide by the undersigned's January 18, 2024, order militates against his release to Teen Challenge.

Defendant's guilty plea has been accepted by the Court. Consequently, Defendant's request for release pending sentencing is governed by 18 U.S.C. § 3143(a), which provides:

[T]he judicial officer shall order that a person who has been found guilty of an offense and who is awaiting imposition or execution of sentence, other than a person for whom the applicable guideline promulgated pursuant to 28 U.S.C. 994 does not recommend a term of imprisonment, be detained, unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released

18 U.S.C. § 3143(a).

Having reviewed the parties' submissions, the undersigned is not presently inclined to grant Defendant's motion. First, the undersigned takes note of Defendant's recent failure to abide by all of the conditions of his release. Second, the undersigned notes that Defendant's sentencing hearing is less than two weeks away. At the sentencing hearing, the Court will determine Defendant's sentence and whether it will extend beyond the time he has spent in custody awaiting final

disposition of this matter. Defendant's second Motion for Release (Doc. No. 151) is therefore
DENIED

As an aside, the United States Marshal recently advised the undersigned that there is presently an outstanding warrant for Defendant in Ward County. Thus, Defendant would presumably be held on this warrant if the undersigned had released him from federal custody.

IT IS SO ORDERED.

Dated this 25th day of March, 2024.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court